



# UINTAH COUNTY

## STATE OF UTAH

*Our past is the nation's future.*

### COMMISSIONERS:

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Michael J. McKee  
Jim Abegglen

ASSESSOR - Gayla Casper  
ATTORNEY - JoAnn B. Stringham  
CLERK-AUDITOR - Mike Wilkins  
RECORDER - Randy J. Simmons  
TREASURER - Donna Richens  
SHERIFF - Rick Hawkins  
SURVEYOR - Robert L. Kay

July 29, 2003

Division of Oil, Gas, and Mining  
PO Box 145801  
Salt Lake City, Utah 84114-5801

Attn: Paul Baker and Doug Jensen

As per my conversation with Mr. Jensen July 29, 2003 here is a copy of the information I have received in regards to Mr. Robert Haws and his claims.

I am also forwarding the same information to Mr. Kurt Higgins with SITLA who is our contact regarding the SULA Lease 1364 where they want the water retention ponds placed. His number is (801) 538-5166.

The contact with Division of Water Quality is Mr. Thomas Rushing (801)538-6951.

Uintah County has filled out the permit application and will be sending it along with the fee this week. Uintah County will not take any further action until a mutual decision is reached by DOGM, SITLA, and DWQ as to how we should proceed.

Thanks for your help in this matter.

Tammy Ferguson  
Road Dept. Secretary

RECEIVED

JUL 31 2003

DIV. OF OIL, GAS & MINING



Dianne R. Nielson, Ph.D.  
Executive Director

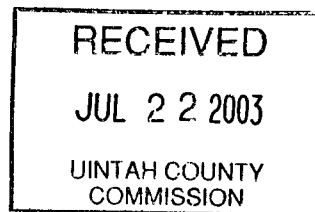
Don A. Ostler, P.E.  
Director

# Utah

Where ideas connect

## Department of Environmental Quality Division of Water Quality

288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
(801) 538-6146  
(801) 538-6016 Fax  
(801) 536-4414 T.D.D.  
[www.deq.utah.gov](http://www.deq.utah.gov)



**Water Quality Board**  
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Don A. Ostler, P.E.  
Executive Secretary

July 17, 2003, 2003

### **CERTIFIED MAIL (Return Receipt Requested)**

Jim Abegglen, Commissioner  
Uintah County Commission  
152 East 100 North  
Vernal, UT 84078

Dear Commissioner Abegglen:

**Subject:** Requirement for coverage under the Utah Pollutant Discharge Elimination System (UPDES) Multi Sector General Permit for Storm Water Discharges from Industrial Activities

This is to inform you that you are required by State rules and regulations, *Utah Administrative Code (UAC) R317-8-3.9*, to obtain coverage under the UPDES Multi Sector General Permit for Storm Water Discharges from Industrial Activities for the Uintah County Asphalt Facility (Asphalt Ridge). Specifically you are required to obtain coverage under sector D. for storm water discharges from Asphalt Paving and Roofing Materials and Lubricant Manufacturers. The permit requires the development and implementation of a storm water pollution prevention plan for the facility.

A copy of the permit, including the "notice of intent" (NOI) is attached. Submit a completed NOI for the Uintah County Asphalt Facility (Asphalt Ridge) as soon as possible but not later than 30 calendar days from the receipt of this letter. Please note that prior to submitting the NOI you must prepare a storm water pollution prevention plan for the facility.

If you have any questions concerning this letter or the permit do not hesitate to contact Tom Rushing at (801) 538-6951. Thank you.

Sincerely,

Gayle Smith, P.E., Manager  
Permits and Compliance Section

Enclosure

## STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY

288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

**NOI**

Notice of Intent (NOI) for Coverage Under the UPDES General Multi-Sector Storm Water Permit for Discharges Associated with Industrial Activity, Permit No. UTR000000.

INSTRUCTIONS ON BACK PAGE

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges associated with industrial activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM. A different NOI form is provided for construction activities disturbing over 5 acres.

**I. FACILITY OPERATOR INFORMATION**

Name: UINUTIAH COUNTY Phone: 4351781153810

Address: 11521 E 1100 W Status of Owner/Operator: ☐

City: VERMIL State: UT Zip: 841978 (435)

Facility Contact Person: JIM ABEIGLEW Phone: 78115383

Facility Contact Person Title: COMMISSIONER

**II. FACILITY SITE/LOCATION INFORMATION**

Name: UINUTIAH COUNTY

Address: ABRAHAM RIDGE WEST OF VERMIL County: UINUTIAH

City: VERMIL State: UT Zip: 841978

Latitude:     Longitude:     Quarter:     Section: 30 Township: 4 S Range: 21 E

Site Contact Person: PAUL FELTICH Phone: 43517891000

Site Contact Person Title: ROAD SUPERINTENDENT

Is the facility located on Indian Lands?

(Y or N)

**III. SITE ACTIVITY INFORMATION**

Name of Municipality which Operates the Storm Sewer System: UA

Receiving Water Body: NONE

	Yes	No
Is there existing quantitative storm water discharge data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the facility required to do analytical monitoring? (See permit conditions Part V. and Sector monitoring requirements.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the facility required to do visual monitoring? (See permit conditions near the end of applicable Sector(s); Appendix A to AD)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the facility required to submit monitoring data or retain it on site?	<input type="checkbox"/>	<input type="checkbox"/>
Is This a New Facility, or is it an Existing Facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If This is an Existing Facility, and the Start-up Date was After Oct. 1992, Please Fill in the Start-up Month: Month (Jan, Feb., etc.): <u>SEPT</u> Year: <u>1992</u>		
SIC or Designated Activity Code: Primary: <u>   </u> 2nd: <u>   </u> 3rd: <u>   </u> 4th: <u>   </u>		
If You Have Other Existing UPDES Permits, Enter Permit #'s: <u>   </u>		

**A. Timber Products Facilities** -- establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under sector W.

**B. Paper and Allied Products Manufacturing Facilities** -- facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

**C. Chemical and Allied Products Manufacturing Facilities** -- 1) Basic industrial inorganic chemicals (including SIC 281), 2) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC 282), 3) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284), 4) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285), 5) Industrial organic chemicals (including SIC 286), 6) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287), 7) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, metal, oil, and water treatment compounds, waterproofing compounds, and chemical supplies for foundries (including facilities with SIC 289), 8) Ink and paints, including china painting enamels, india ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC 3952, limited to those listed; for others see sector Y.), 9) Medicinal chemicals and pharmaceutical products, including the grading grinding and milling of botanicals (including SIC 283).

**D. Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities** -- 1) facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) codes 2951 and 2952, 2) portable asphalt plant facilities (also commonly identified by SIC code 2951), 3) facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC code 2992. Not covered are: 1) petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC code 2911 (see sector I.), 2) oil recycling facilities (see sector N.), and 3) fats and oils rendering (see sector U.).

**E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities** -- manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass, (SIC code 3211); glass containers, (SIC code 3221); pressed and blown glass, not elsewhere classified, (SIC code 3229); glass products made of purchased glass (SIC code 3231) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement, (SIC code 3241); brick and structural clay tile, (SIC code 3251); ceramic wall and floor tile, (SIC code 3253); clay refractories, (SIC code 3255); structural clay products not elsewhere classified (SIC code 3259); vitreous china plumbing fixtures, and china and earthenware fittings and bathroom accessories (SIC code 3261); vitreous china table and kitchen articles (SIC code 3262); fine earthenware table and kitchen articles (SIC code 3263); porcelain electrical supplies, (SIC code 3264); pottery products, (SIC code 3269); concrete block and brick, (SIC code 3271); concrete products, except block and brick (SIC code 3272); ready-mix concrete, (SIC code 3273); lime (SIC code 3274); gypsum products, (SIC code 3275); cut stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292); minerals and earths, ground or otherwise treated, (SIC code 3293); mineral wool (SIC code 3296); nonclay refractories, (SIC code 3297); and nonmetallic mineral products not elsewhere classified (SIC code 3299).

**F. Primary Metals Facilities** -- coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore. Coverage includes the following types of facilities: 1) Steel works, blast furnaces, and rolling and finishing mills including: steel-wiredrawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC code 331); 2) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC code 332), 3) Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC code 333), 4) Secondary smelting and refining of nonferrous metals (SIC code 334), 5) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC code 335), 6) Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC code 336), 7) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC code 339).

**G. Metal Mines (Ore Mining and Dressing)** -- active and inactive metal mining and ore dressing facilities [Standard Industrial Classification (SIC) Major Group 10] if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this part of the permit, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and the storm water discharges from the following areas of active, and temporarily inactive, metal mining facilities are the only discharges covered by this section of the permit: topsoil piles; offsite haul/access roads if off active area; onsite haul roads if not constructed of waste rock or if spent ore and mine water is not used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; concentration building, if no contact with material piles; mill site, if no contact with material piles; chemical storage area; docking facility, if no excessive contact with waste product; explosive storage; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bonds. Not covered are: 1) active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440). Coverage under this permit does not include acid drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities. Also see permit conditions, Limitations on Coverage Part I.B.3. 2) Storm water discharges associated with an industrial activity that the Executive Secretary has determined to be, or may reasonably be expected to be, contributing to a violation of a water quality standard, 3) Storm water discharges associated with industrial activity from inactive mining operations occurring on Federal lands where an operator cannot be identified.

**H. Coal Mines and Coal Mine-Related Facilities** -- coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under 40 CFR Part 434. Not covered are: inactive mining activities occurring on Federal lands where an operator cannot be identified

**I. Oil and Gas Extraction Facilities** -- oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted under

on the site of such operations." Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oil field service, supply and repair industries. This section also covers petroleum refineries listed under SIC code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR 419 and 435 respectively are not included. [Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff," as defined under 40 CFR 419.11, includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property." Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not co-mingled with "contaminated runoff," include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas.] Not covered are: inactive oil and gas operations occurring on Federal lands where an operator cannot be identified are not covered by this permit.

**J. Mineral Mining and Processing Facilities** -- active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Not covered are: 1) facilities associated with industrial activity which are subject to an existing effluent limitation guideline 40 CFR Part 436), 2) inactive mineral mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.

**K. Hazardous Waste Treatment Storage or Disposal Facilities** -- facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA. [Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits (UAC R317-8-3.8(6)(c)).]

**L. Landfills and Land Application Sites** -- waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with State/Federal criteria established under RCRA Subtitle D. Not covered are: inactive landfills, land application sites, and open dumps occurring on Federal lands where an operator cannot be identified.

**M. Automobile Salvage Yards** -- facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC Code 5015).

**N. Scrap Recycling and Waste Recycling Facilities** -- facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (also identified as SIC 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

**O. Steam Electric Power Generating Facilities** -- steam electric power generating facilities, including coal handling areas. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 40 CFR 423. Not covered are: ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture co-generation facilities are not covered by this permit; however, dual fuel co-generation facilities are included.

**P. Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities** -- ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

**Q. Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities** -- water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by SIC code Major Group 44).

**R. Ship or Boat Building and Repair Yards** -- facilities engaged in ship building and repairing and boat building and repairing (SIC code 373).

**S. Vehicle Maintenance Areas, Equipment Cleaning Areas or Airport Deicing Operations located at Air Transportation Facilities** -- establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

**T. Wastewater Treatment Works** -- treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403.

**U. Food and Kindred Products Facilities** -- food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21), except for storm water discharges identified under paragraph I.B.3. where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

☐ **V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities** -- Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn, processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn, the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC 31, except 3111).

☐ **W. Furniture and Fixture Manufacturing Facilities** -- facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC code 2434); household furniture (generally described by SIC code 251); office furniture (generally described by SIC code 252); public buildings and related furniture (generally described by SIC code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC code 254); and miscellaneous furniture and fixtures (generally described by SIC code 259).

☐ **X. Printing and Publishing Facilities** -- newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711-2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, bookbinding and related work, and typesetting (SIC Codes 2761-2791); and, plate making and related services (SIC Code 2796)

☐ **Y. Rubber and Miscellaneous Plastic Product Manufacturing Facilities** -- rubber and miscellaneous plastic products manufacturing facilities (SIC major group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC major group 39, except 391).

☐ **Z. Leather Tanning and Finishing Facilities** -- leather tanning, currying and finishing (commonly identified by Standard Industrial Classification (SIC) code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.

☐ **AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware** -- fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC 34, and jewelry, silverware, and plated ware (SIC Code 391).

☐ **AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery** -- transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357, and SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites, sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

☐ **AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods** -- facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC major group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC major group 38) and computers and office equipment (SIC code 357).

☐ **AD. Non-Classified Facilities** -- facilities that meet the definition of storm water associated with industrial activity (UAC R317-8-3.8(6)(c) & (d), except for construction activities as defined under UAC R317-8-3.8(6)(d)10.) but, can not be classified in another industrial sector (i.e., sectors A to AC), and are not excluded from permit coverage elsewhere in this permit; or, the Executive Secretary has designated as needing a storm water permit under UAC R317-8-3.8(1)(a)5. Should conditions at a facility covered by this section change and industrial activities in another section(s) contained in sectors A to AC apply, the facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to those contained in this section. The monitoring and pollution prevention plan terms and conditions of this permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

**V. CERTIFICATION.** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name:

Date:

PAUL FELTCH

07/29/93

Signature:

Paul A. Feltch

Amount of Permit Fee Enclosed: \$500.00

## WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

State law at UAC R317-8-3.8 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Multi-Sector Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, contact (801) 538-6146.



**INSTRUCTIONS**  
**NOTICE OF INTENT (NOI) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**  
**TO BE COVERED UNDER THE UPDES GENERAL PERMIT**

**WHERE TO FILE THE NOI FORM**

NOIs, with fee payment(s), must be sent to the following address:  
Department of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

**COMPLETING THE NOI FORM**

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call (801) 538-6146

**BEGINNING OF COVERAGE**

Storm Water General Permits are drafted to cover a facility quickly avoiding delays, therefore there is no waiting time to receive coverage. The permittee should be aware that though you may not have a permit in hand, if you have submitted a completed NOI with the permit fee you are covered by the permit and will be expected to conform to the conditions in the permit. If you wish you may contact the Division of Water Quality at (801) 538-6146, to receive a generic copy of the permit. After we receive the NOI and the permit fee we will send you an official copy of the permit including your specific permit number.

**PERMIT FEES (MAKE CHECK PAYABLE TO: DIVISION OF WATER QUALITY)**

The permit fee is \$500 (or is prorated) and it must be submitted with the NOI to authorize immediate coverage under the permit (except in the case of a state or local political subdivision which are exempt from the permit fee). This provides five years of coverage under the permit (unless prorated). It is our policy to prorate the permit fee for temporary discharges. Fees are prorated at \$8.34 per month of coverage needed, except a \$50 minimum.

Permittees who have a new facility that have begun operating after January 1, 1997, will be prorated from the day they began operations until the expiration date of the General Permit

**GENERAL INFORMATION**

Facilities within municipalities (such as Salt Lake City or Salt Lake County) that have been issued Municipal Storm Water Permits by DWQ must contact that city or the county and notify them of the new permit status for the facility. If you have questions that have not been answered above, or need an NOI for construction activities, please contact the Storm Water Coordinator, Division of Water Quality, at (801) 538-6146.

**SECTION I - FACILITY OPERATOR INFORMATION**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal                      M = Public (other than Fed or State)  
S = State                        P = Private

A contact person is someone that we may contact, that has knowledge of the facility and permit conditions, but not necessarily the person with signatory responsibility.

**SECTION II - FACILITY/SITE LOCATION INFORMATION**

Enter the facility's or site's official or legal name and complete street address, including city, state and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site. Indicate whether the facility is located on Indian Lands. If the facility is located on Indian Lands, EPA form 3510-6 should be used and submitted to EPA Region VIII except for facilities on the Navajo Reservation or on the Goshute Reservation which should submit EPA form 3510-6 to Region IX.

**SECTION III - SITE ACTIVITY INFORMATION**

If the storm water discharges to a municipal separate sewer system, enter the name of the operator of the municipality (e.g., municipality name, county name) and the receiving water of the discharge from the municipal storm sewer if it is known. (A municipal separate storm sewer system (MS4) is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, county, district, association or other public body which is designed or used for collecting or conveying storm water).

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

To answer the questions concerning analytical or visual monitoring you must examine a copy of the permit, Part V, and the sectors (in the appendix) that your facility will fall into. Upon examination you will be able to determine your monitoring and reporting (whether data must be submitted or retained in a storm water pollution prevention plan file) requirements.

A facility is an existing facility if it has been in operation, it is a new facility if it has not begun operation but is about to

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of the application.

For industrial activities defined in UAC 317-8-3.8(6)(c) & (d)1 to 11 that do not have SIC codes that accurately describe the principal products produced or services provided, the following 2-character codes are to be used:

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [UAC R317-8-3.8(6)(d)4.];  
LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [UAC R317-8-3.8(6)(d)5.];  
SE = Steam electric power generating facilities, including coal handling sites [UAC R317-8-3.8(6)(d)7.];  
TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [UAC R317-8-3.8(6)(d)9.].

If there are other UPDES permits presently issued for the facility or site listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

**SECTION IV - SECTOR IDENTIFICATION**

Select and check all the boxes indicating the sectors that describe activities that occur at the site described in section II.

**SECTION V - CERTIFICATION**

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

# UINTAH COUNTY ATTORNEY

JOANN B. STRINGHAM  
COUNTY ATTORNEY

EDWIN T. PETERSON  
DEPUTY COUNTY ATTORNEY

G. MARK THOMAS  
DEPUTY COUNTY ATTORNEY

WESLEY M. BADEN  
DEPUTY COUNTY ATTORNEY

152 EAST 100 NORTH  
VERNAL, UTAH 84078  
435-781-5436  
FACSIMILE 435-781-5428

July 15, 2003

Mr. Korby Siggard  
VeriClaim  
5397 South Vine Street  
Salt Lake City, Utah 84107

Re: Notice of Claim: Haws Family Trust, received July 10, 2003

Dear Mr. Siggard:

I am sending you the attached notice of claim.

Also attached, but stapled separately, is an October 10, 2002 letter from Paul Baker, Senior Reclamation Biologist, State Division of Oil, Gas and Mining, which I believe deals with the subject matter of the notice of claim. I had the latter document in my files. Presumably Robert Haws had a copy, as he participated in the on-site inspection that took place last year, but the Haws' attorney did not include it along with the notice that the County received.

We here would appreciate your prompt attention to this particular matter. Your advice is very much needed. The preliminary feeling is that the drainage problems referred to, or at least most of them, are the responsibility of those who have actually operated the asphalt pit rather than Uintah County.

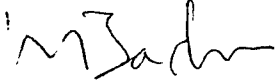
Perhaps you will want to talk with the County Commissioners and other key County personnel about this matter. If so, please consider coming out in person. It would be very useful to talk about this matter, as well as several others, all at the same time.



Mr. Korby Siggard  
July 15, 2003  
Page 2

Please contact me or in my absence Joyce Johnson, to set up a meeting if you would like.

Sincerely,



Wesley M. Baden  
Deputy County Attorney

Attachments

cc: Commissioners Haslem, Abegglen, and McKee  
JoAnn Stringham, County Attorney  
Joyce Johnson, Personnel Office  
File

Failure to obtain a storm water permit for the Plant is a violation of section 402 of the Clean Water Act, 33 U.S.C. §1342, as well as applicable state law (including but not limited to section 19-5-107 of the Utah Environmental Quality Code). Injunctive relief, administrative penalties in an amount of up to \$27,500 *per day*, as well as costs of litigation are potentially available to the Trust under the citizen suit provisions (section 505) of the Clean Water Act.

Additionally, the Trust holds potential state common law claims against the County, including, but not limited to, public/private nuisance, trespass, and strict liability claims that will be included in any action against the County. This letter shall also serve as formal notice under § 63-30-11 of the Utah Code of the Trust's intent to bring any and all such claims (as well as the Clean Water Act claims) against the County.

We are available to discuss possible resolutions to this matter at your earliest convenience.

Very Truly Yours,

LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.

Patrick S. Malone

PSM:pa

cc: Christie Whitman, Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Robbie Roberts, Regional Administrator  
U.S. Environmental Protection Agency,  
Region VIII  
999 18th Street  
Denver, CO 80202

Dianne Nielson, Executive Director  
Utah Dept. of Environmental Quality  
P.O. Box 144810  
Salt Lake City, Utah 84114-4810

Dan Ostler, Director  
Utah Dept. of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

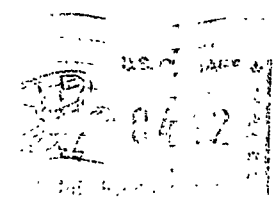
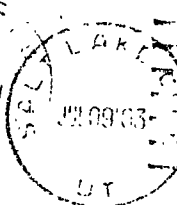
LEBOEUF, LAMB, GREENE & MACRAE  
LLP  
1000 KEARNS BUILDING  
136 SOUTH MAIN STREET  
SALT LAKE CITY, UT 84101

**CERTIFIED MAIL**



7002 0510 0004 0758 1309

RETURN RECEIPT REQUESTED



Uintah County Clerk  
152 East 100 North  
Vernal, Utah 84078

RECEIVED

JUL 10 2003

UINTAH COUNTY  
CLERK - AUDITOR

84078+2126 05





# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340 telephone  
(801) 359-3940 fax  
(801) 538-7223 TTY  
[www.nr.utah.gov](http://www.nr.utah.gov)

Michael O. Leavitt  
Governor  
Robert L. Morgan  
Executive Director  
Lowell P. Braxton  
Division Director

October 10, 2002

TO: Minerals File

FROM: Paul Baker, Senior Reclamation Biologist *PBB*

RE: Site Inspection, Crown Asphalt Corporation and Uintah County, Asphalt Ridge Mine, M/047/022 and M/047/032, Uintah County, Utah

Date of Inspection: October 8, 2002

Time of Inspection: 2:00 to 4:30 p.m.

Conditions: Clear, 60's

Participants: Lyle McKeachnie representing himself; Steve Wallace, *Vernal Express* newspaper; RaKel Boren, Air Village (subdivision) Homeowners Board; Kim McDonald and Paul Felch, Uintah County; Marty Miller and Everett Unruh, representing Detroit Edison and Crown Asphalt; Robert Haws, [hometimemortgage.com](http://hometimemortgage.com) (developer); Lincoln Brown, KVEL Radio; Doug Jensen and Paul Baker, DOGM. Also present was a person that I understand was from the State Health Department, but I did not meet this person or hear any comments from him.

## Purpose of Inspection:

Mr. McKeachnie telephoned the Division and expressed concern about drainage control at the Asphalt Ridge Mine. Some houses have been built near a drainage just below the mine, and he is concerned that these houses could be flooded in a large precipitation event. I arranged for the operators' representatives to come to the inspection but, until we arrived at the site, had been unaware anyone else had been invited. The operators were also unaware that anyone besides the Division and the complainant were to be present.

## Getting to the site:

The site is on Asphalt Ridge west of Vernal just north of U.S Highway 40.

## **Drainage on the southeast part of the mine area**

### **Observations:**

The attached map was created by the Division in 2000 from GPS data. I have marked on this map some of the features discussed in this report. In the southeast corner of the mine area, there is a natural, though altered, drainage channel going through the three storm water retention ponds and the sand pile. The lower pond is shown in Photo 1, and the sand pile, which would also impound water, is shown in Photo 2. This channel continues east then north from the sand pile. As it exits the permit area at the eastern boundary of Section 31, it crosses a road, goes east of a blue house (left center of Photo 3), crosses another road, then runs along the north end of a row of houses (Photo 4). There are no culverts where the channel crosses these roads. The blue house in Photo 3 is Mr. McKeachnie's primary concern, but he also expressed apprehension about the other houses in the development.

The two upper ponds both had water in them with a layer of oil on the surface. The lowermost of these ponds contained two dead animals (Photo 5), but we could not tell what kind of animals they were. They might be marmots or muskrats.

Mr. McKeachnie told us before we looked at the ponds that there was oil on the surface and that there were dead animals in them. He told us that the reason he knew this was that his spirit flew over the mine and was able to see the ponds and the animals.

There is one other pond in the mine area, but it does not appear to function as a sediment pond and is not marked on the map. It's really more of a low spot where water has collected. There was a few inches of water in this pond.

There was no water in the lower retention pond or in the depression above the sand pile, but these areas were wet as if they had had water in them recently. On the north side of the lower retention pond, there was a berm that would direct water to the pond, but it was breached near the pond. This breach allows some drainage water to bypass the pond.

Between the sand pile and the blue house, there is a ditch on the north side of the drainage, and this ditch collects runoff from lower parts of the disturbed area. The ditch leads to a flat bermed area across the street to the west of the house at the bottom of the drainage (Photo 6). There is quite a bit of brush growing in the ditch, but it would still be functional to some degree. The berm is about two feet high and consists of uncompacted, probably end-dumped, material.

There is an old road running between the ditch and the drainage. Just across the street from the blue house, there are a fence and a trench across the road.

In the drainage about halfway between the sand pile and the house, there is a pile of material across the drainage. Because of this, any runoff coming down the drainage would tend to be diverted on to the road.

Mr. McEachnie said he felt that revegetation of some of the disturbed areas would decrease the amount of runoff. I looked at the amount of vegetation in areas where contemporaneous reclamation might be possible. Above the bermed area near the bottom of the drainage, there is a lot of rabbitbrush with some understory plants. Mr. Jensen and I felt additional revegetation efforts in this area would be futile. Farther up the drainage to the north of the sand pile, there were some disturbed areas with little vegetation where contemporaneous reclamation may be possible.

#### Conclusions and Recommendations:

At this time, no work needs to be done on the two uppermost retention ponds; however, representatives of the county and Crown discussed a way to decrease the amount of water in these ponds. The county is having to buy water to use in the asphalt processing operation, and Crown would like to get rid of the water in these ponds. If the county pumps water from the ponds, they will not have to buy the water, and Crown can get rid of unneeded water.

The Crown representatives agreed to do some maintenance work on the lower pond and in the sand pit area for the purposes of keeping a larger proportion of runoff on the mine site, increasing storage capacity, and creating a more stable outlet for the lower retention pond. The berm on the north side of the lower retention pond will be fixed in a way that it will divert all the water from upper areas into the pond. There will also be a place in this berm lower in elevation than the dam so that if the pond overflows, the dam will not erode and fail catastrophically. The operator also agreed to clean out some of the material in the sand pit area to increase storage capacity.

The ditch on the north side of the drainage between the sand pile needs to be cleaned out, and the operator agreed to this. The operator agreed to cut a ditch across the old road so that all runoff coming down the drainage that normally be diverted on to the road by the pile of material in the drainage would go into the ditch and thence into the bermed area across from the blue house.

The Division agreed to search through the mine plan and any other available records to see if there is a design for any of the sediment ponds. If not, it may be necessary to perform some calculations to determine the amount of runoff that would be expected to come into the various ponds from a precipitation event of some size.

Assuming the ponds are sized to completely contain runoff from the mine and undisturbed areas above them, the owners of the blue house should be reasonably protected from the possibility of a flash flood. In an extreme case with a very severe storm, it is possible some of the drainage control structures could fail and that this house and others in the subdivision could be damaged.

I have some concerns about how drainage will be controlled after the mine is reclaimed. Theoretically, the ponds will be reclaimed, the drainage will be restored to a more natural condition, and the site will be revegetated. At this point, there would be nothing to hold back a flash flood.

We did not discuss the dead animals very much. I do not know the reasons they died, but it is possible they drank or tried to swim in the oil-coated water. I have contacted the Division of Wildlife Resources to get their input.

#### **Drainage along the road on the east side of the permit area**

##### **Observations:**

North of the blue house, there is a road running north and south that essentially defines the east boundary of the permit area (Photo 7). Farther north is an asphalt processing area that the county is operating (Photo 8). There is a constructed berm on the east side of the processing area with a culvert that allows drainage from this area to go into a natural drainage to the east (Photo 9). All the water from the processing area would go to this berm and culvert and go into the drainage.

South of the processing area, the road acts as a berm, and drainage from above the road (west) flows south to a low spot in the road which is just north of the place marked "access road" on the map. There is one culvert in the area marked on the map as "Uintah Co. reclaimed," but this culvert was nearly plugged. There is no culvert in the low spot in the road, so the water washes across the road and has created a two-foot-deep gully on the east side of the road (Photo 10).

South of the asphalt processing area on the east side of the north-south road, there are about two small natural drainages.



### **Conclusions and Recommendations:**

Mr. Haws owns the land east of the north-south road and wants to develop it for housing. He is concerned about water flowing east from the mine area onto his property and said he would like to see the water diverted south into the bermed area shown in Photo 6. The county has already approved the money to put a culvert under the access road as shown on the map.

Mr. Jensen and I both believe it would be unwise to divert additional water into this bermed area. It already receives runoff from the mine, and the berm is not that high or constructed in a way that it would be very stable. If water was to reach the top of the berm and begin to overflow, the berm could erode away and allow all the water in this area to escape suddenly. This could lead to flooding of the houses in the subdivision.

Mr. Jensen and I felt that it would be better to allow the water from above the road to flow into the natural drainages. This would require one or two culverts to be installed. Drainage from the asphalt processing area is already going into one of the natural drainages. At the place on the map marked "Uintah Co. reclaimed," a culvert would be installed just south of the existing culvert and would divert water northeast to the small drainage on the east side of the road. This would take care of most of the runoff from above the road and might solve the problem of water washing over the road below and creating a gully. If this continues to be a problem, one of the operators may need to install an additional culvert elsewhere along the north-south road.

Although this resolution is not what Mr. Haws wanted, I feel it is the best way to handle the problem. It puts water back into the natural drainages with as little disruption as possible, and the drainage areas for the natural channels will be similar to what they were before any disturbance. Rather than putting more water into the bermed area and create a possible flooding hazard, the runoff will be split into about three different areas which should lessen the chances for one large flood.

At the asphalt processing area, we recommend that the operator install a silt fence or other sediment control device at the culvert outlet to reduce the amount of sediment leaving the site.

jb

Attachment: map

cc: Crown Asphalt  
Uintah County  
Lyle McKeachnie  
Robert Haws

O:\M047-Uintah\M0470032DTEAsphaltRidge\final\ins100802.doc

# OPERATOR: CROWN ASPHALT CORPORATION ASPHALT RIDGE OIL SANDS MINE - M470032

Quad: Vernal NE - UTM: 618791/4476780

T 4 S R 21 E Section 30 and 31

Green shading indicates  
Crown disturbed area Sept 1996

Green hatching indicates  
proposed Crown disturbed area Sept 1996

39.6  
Dec 1996

Calvert



State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining



Scale 1:4000 (verify scale)

Plotted March 23, 2000



ATTACHMENT

Photographs  
M/047/022 and M/047/032  
Asphalt Ridge Mine



Photo 1. Lower storm water retention pond.

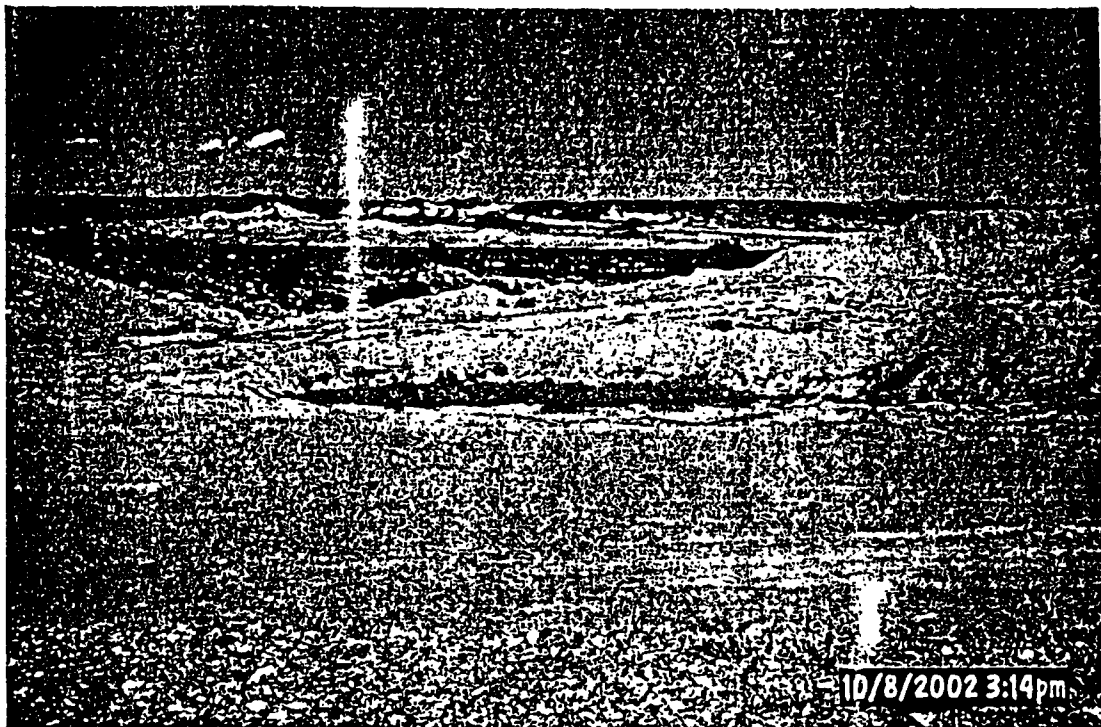


Photo 2. Sand pile.

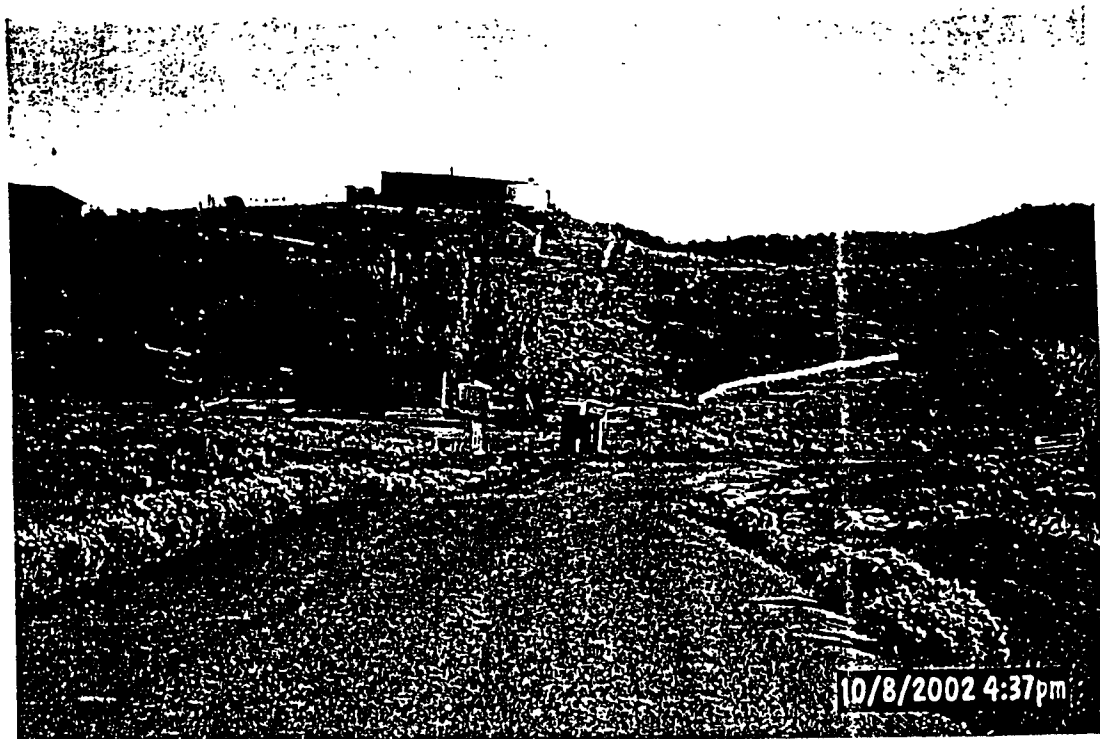


Photo 3. Blue house is to the left of center with the drainage from the mine in the marked area.



Photo 4. The swale on the right side of the photo is the continuation of the drainage shown in Photo 3.



Photo 5. Dead animals in one of the upper storm water retention ponds.



Photo 6. Bermed area to the west of the blue house in Photo 3.

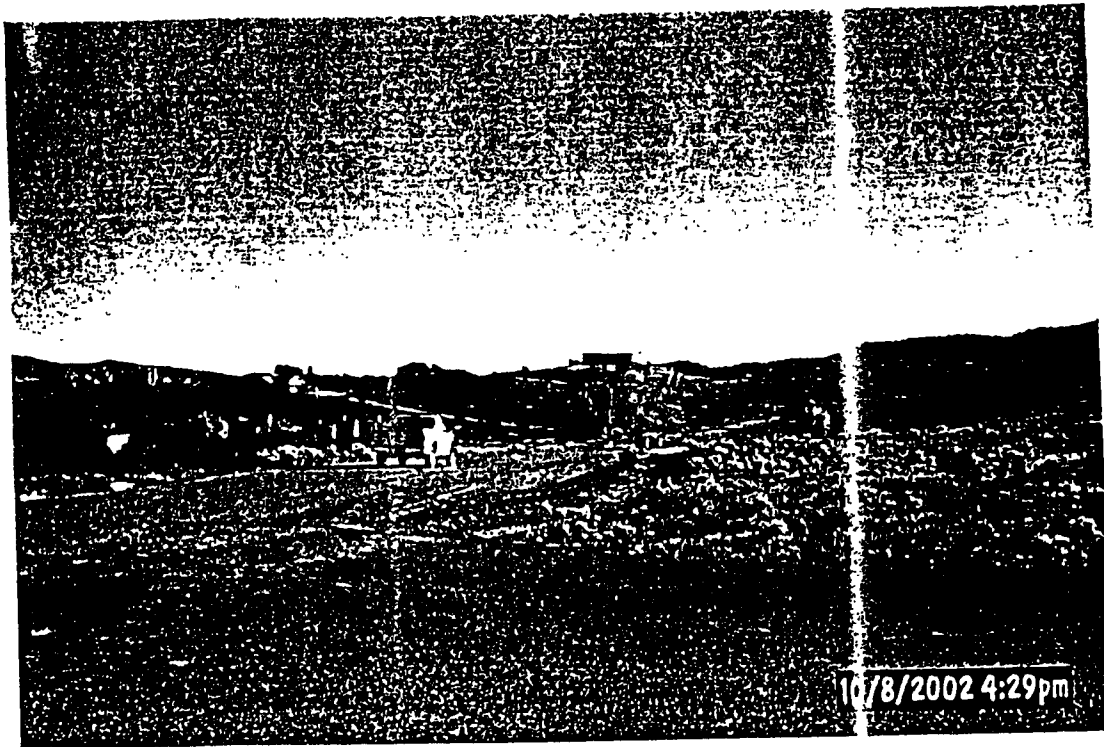


Photo 7. Road running along the east side of the permit area.



Photo 8. Asphalt processing area.



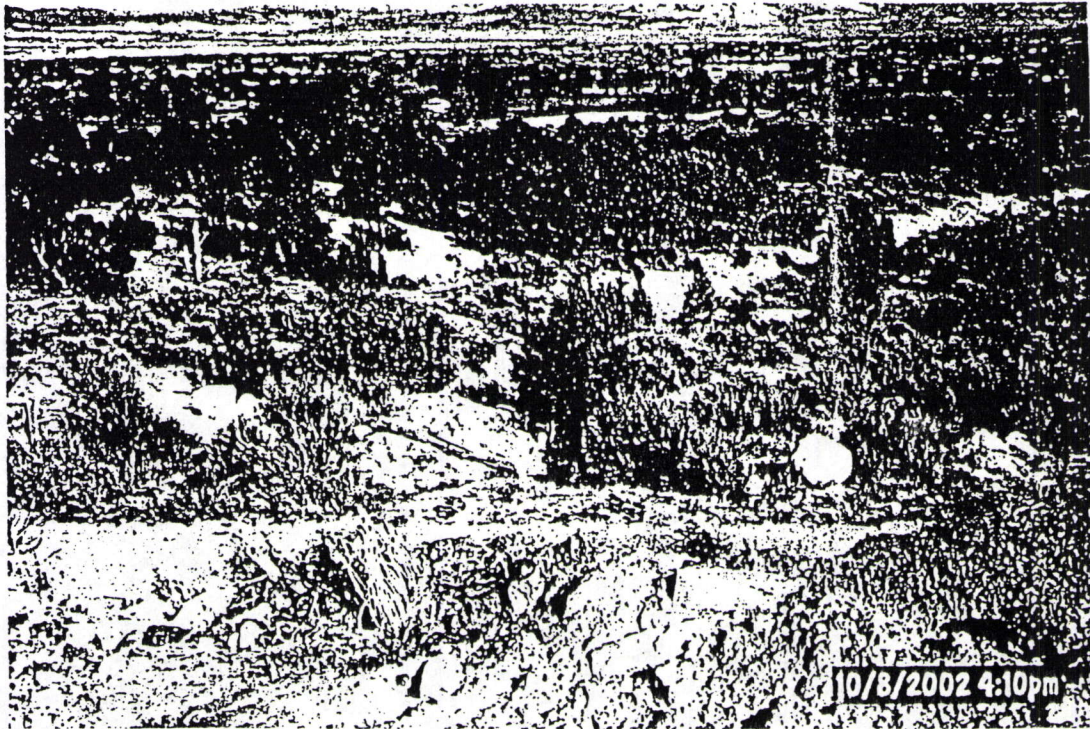


Photo 9. Drainage east of the asphalt processing area.

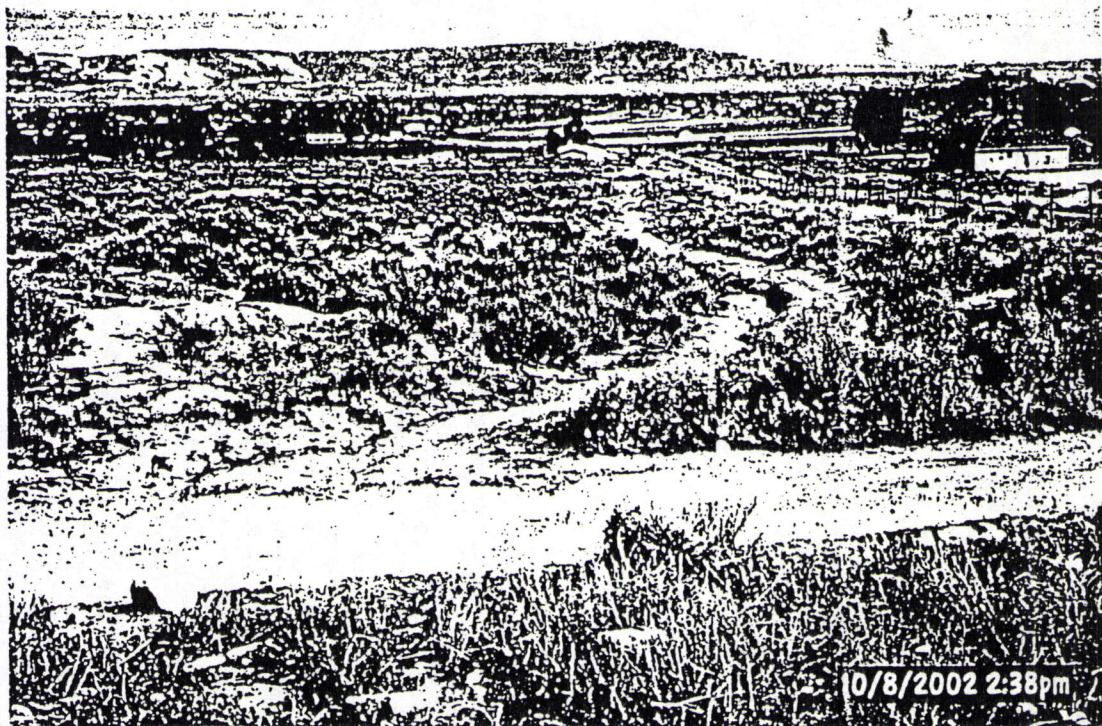


Photo 10. Gully from drainage coming across the road on the east side of the mine.